

‘We’ve got a clock ticking’: Calls for help grow as end to eviction moratorium inches closer

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Steve Corker, left, President of the Landlord's Association of the Inland Northwest and Terri Anderson, Executive Director of the Tenants Union of Washington State pose for a photo on Monday, June 8, 2020, in front of the Spokane County Courthouse in Spokane, Wash. (TYLER TJOMSLAND)

By Adam Shanks adams@spokesman.com(509) 459-5136

Without a lifeline, thousands of renters in Spokane County could face eviction when the state's moratorium is lifted, drowning courts with paperwork, disrupting the region's housing market and placing many people stung by the pandemic economy at risk of homelessness.

In December and January, landlords in Spokane County filed notices of an impending eviction on 550 households that are behind on rent, about half of which are in the city of Spokane, according to the Spokane County Bar Association.

This could be just a fraction of what's to come, warned Julie Griffith, executive director of the bar association.

Tenants struggling to pay rent due to the pandemic can't be evicted during the current statewide eviction moratorium, which is slated to expire at the end of next month, but the notice kicks off a mediation process and warns a tenant that eviction is looming.

While the moratorium is in place, many landlords might not bother taking action – meaning the hundreds of notices filed in recent months represent just a fraction of the households at risk of displacement.

“(Landlords) could file, but if the only reason that you're evicting someone is that they're behind on rent, your filing is all for naught,” Griffith said.

The Spokane County Bar Association is one of several organizations participating in the state's new Eviction Resolution Program to negotiate deals between landlords and tenants. The organization provided Spokane city officials with a stark assessment of the potential eviction crisis this month, estimating the county could see more than 2,000 eviction filings a month when the moratorium is lifted.

Summarizing that data, tenant advocate Terri Anderson said “that is what a tsunami of evictions looks like.”

As the economy stagnated amid the pandemic, advocacy groups for tenants and landlords estimate that Spokane County renters ended 2020, collectively, with \$30 million in overdue rent.

Although the eviction moratorium is in place and rental assistance programs have made a dent, the mountain of unpaid rent is daunting.

Still, there is reason for optimism. This week, the state Legislature passed a COVID-19 relief package that included \$365 million for rental and housing assistance, and Gov. Jay Inslee announced the Department of Commerce would distribute an additional \$43.5 million in emergency rental assistance.

Many are left hoping that a patchwork of rental assistance, mediation programs and tenant protections will be enough to stave off the worst.

“If it all fits together, it should work. The problem is we've got a clock ticking,” said Anderson, executive director of the Tenants Union of Washington State's Spokane office.

Rental assistance, lessons learned

It remains to be seen if Inslee will extend the eviction moratorium that's been in place since last March and that's set to expire March 31. A federal eviction moratorium is also set to expire at the end of March.

Regardless of when eviction limits end, Steve Corker, president of the Landlord Association of the Inland Northwest, implored the state and federal government to continue to pour funding into rental assistance, warning that they will otherwise be "decimating the low-income housing market."

The case Corker has made to anyone who will listen is that rental assistance, on the whole, is more economical for the state – and landlord – than an eviction.

"It costs two to three times as much to put them in homeless shelters or to transition them into new housing," said Corker, a former Spokane city councilman.

Both the city and county used coronavirus aid to distribute rental assistance in 2020 and will continue to do so in 2021.

"That will cure a multitude of ills," said Spokane City Council President Breean Beggs.

The city recently landed \$6.7 million in rental and utility assistance from the federal government, but has yet to settle on a plan to distribute it. The same is true for Spokane County, which was awarded \$9 million.

The demand from cash-strapped renters is built-in, but distributing rental assistance is not simple.

That's partly because COVID-19 has not only been unequal in terms of health impacts but also in economic suffering.

Blacks, Pacific Islanders, Native Americans and Hispanics have been substantially more likely to file an unemployment insurance claim than whites and Asians, according to Washington State Department of Commerce data.

Minorities already faced substantial barriers to stable housing before the pandemic, according to the city's "Analysis of Impediments to Fair Housing" report released in 2019, which cited U.S. Census data.

But organizations designed to support those communities found rental assistance difficult to access.

Two nonprofits, the Spokane Workforce Council and Spokane Neighborhood Action Partners, or SNAP, have been leaned on heavily to disburse rental assistance in the

Spokane area. They don't set eligibility requirements for tenants and landlords, but they do process applications.

Leaders of Latinos en Spokane described the process as fundamentally broken. The grassroots organization helped about 40 families apply for rental assistance before giving up and focusing its efforts on the Washington COVID-19 Immigrant Relief Fund.

The rental assistance applications were not only complex, but required the participation of the landlord.

"We did have cases where the landlord did not want to support their renter, so what do you do in that case?" asked Jennyfer Mesa, a co-founder of Latinos en Spokane.

Although applications were translated into Spanish, Mesa said when a nonprofit worker would call up the applicant to verify their information, "in many cases, they didn't speak Spanish" and would hang up.

According to the most recent five-year U.S. Census Bureau estimate, about 8% of Spokane city residents speak a language other than English at home.

Due to COVID-19, SNAP and the Workforce Council have limited in-person availability in their offices.

"Try calling SNAP," Mesa said. "It is not fun. You have to spend a long time on their phone lines to get through to somebody. If you have a language barrier, it becomes more difficult."

Nicole Bishop, a spokesperson for SNAP, said equity and inclusion are a priority for the agency and that it formed a client advisory council to solicit feedback on how it operates.

SNAP had translation services available, Bishop said. When staff discerned translation was necessary, they scheduled a return call with the applicant to facilitate the application process in their language.

When it was tapped to administer rental assistance, Bishop said, "We got things up and running really fast, but it was also a great learning opportunity." The agency, she said, is reviewing "what didn't go as great as we hoped" and what it can adjust so "next time around, we'll leave people less frustrated."

SNAP did not anticipate just how massive the need would be. Typically, an assistance program has a methodical rollout, but its funding for the Spokane County rental assistance program was depleted in just a couple of weeks, Bishop said.

The Spokane Workforce Council translated the application into six languages and used a telephone service to connect staff and applicants to a translator if necessary, according to CEO Mark Mattke.

Those services took a couple of weeks to get up and running after the nonprofit received rental assistance funds, Mattke said.

“They were available shortly after all of (the) pieces were in place and we were serving customers,” Mattke wrote in an email. “We provided all the housing specialists with information on these services and they were instructed to ask folks if they needed translation services when they would be on the phone to ensure they were ready to access the service and complete the application.”

According to demographic data it collected, the Spokane Workforce Council’s rental assistance programs supported racial minorities “at greater rates than their representation in Spokane County demographic counts,” Mattke said.

Rowena Pineda, a member of the regional Continuum of Care committee that reviews housing and shelter proposals, told the Spokane City Council earlier this month that the city asked several community organizations how it could better distribute rental assistance.

One of the takeaways, Pineda said, was that organizations that serve Black and Indigenous communities and people of color know best how to serve their communities and employ “culturally competent outreach” methods.

“The organizations themselves are trusted messengers or they have trusted messengers within them, so they can connect with community members in a much different way than some of our bigger organizations,” Pineda said.

Representatives of these smaller organizations told city representatives that they would like to be contracted with directly to help overcome barriers to rental and other forms of assistance, rather than relying on larger nonprofits to take on that work alone.

Mesa implored the city to find ways to fund groups like Latinos en Spokane to support communities they’re already trusted by. In the span of just a couple of months, she said its volunteers helped more than 400 families apply for various forms of assistance.

“Our intention is to help people, but we can’t live off our intentions,” Mesa said.

Nonprofits hurting

Beggs believes the city can learn from its previous rounds of distributing rental assistance and “make it work more effectively.”

One complication Beggs didn't anticipate was the hesitance of renters, including those in low-income housing units operated by nonprofits, to agree to accept rental assistance and the terms that come with it.

He heard from nonprofits already on the edge of viability who worried, "Oh my gosh, we're going to lose these buildings to the bank."

The Spokane Low Income Housing Consortium is lobbying county and city officials to pay rental assistance directly to the 10 nonprofit housing providers it represents.

The group's executive director, Ben Stuckart, estimates that 2,500 low-income residents could be at risk of eviction when the moratorium is lifted.

Across just 10 agencies, which account for approximately 10% of the rental units in Spokane County, Stuckart tabulated that rent more than 30 days in arrears totals more than \$1.3 million. All but one of the agencies is a nonprofit.

The proposal would not only help tenants, whose overdue rent would be forgiven, but the nonprofits that provide low-income housing, as well, Stuckart said.

"The last thing Spokane needs is a nonprofit that owes \$200,000 (on a mortgage) to go under, because then all of those units could be sold to a market-rate developer," Stuckart said.

It's been difficult for agencies to have one-on-one conversations with tenants during the pandemic, Stuckart said. Providing rent directly to nonprofit housing providers would eliminate the need for the tenant to participate in the process.

As a condition of the assistance, Stuckart said low-income housing providers are willing to agree not to evict the tenants for a set period of time, but such details were not elucidated in his proposal.

Protections for Tenants

Nonprofits are just one slice of the city's housing providers, and Anderson worries that the most vulnerable are those who live in market-rate housing, not low-income housing.

"They're the ones that would be at the bottom of the list," Anderson said.

Tenant advocates, like Anderson, call for protections for tenants in addition to rental assistance to ensure they're not unjustly booted following the moratorium.

Their best hope might be in the state Legislature, as a robust set of tenant reforms proposed by Beggs stalled before the pandemic and remains in limbo.

There are a multitude of efforts at the state level, but it remains to be seen what will come to pass.

One proposal in the state Legislature is [a bill](#) that would require landlords to cite one of 12 specific reasons if evicting someone with fewer than 60 days of notice.

Under the proposal, a landlord could not evict a tenant who fell behind on rent during the pandemic unless they were first offered a “reasonable” repayment plan.

The bill was met with sharp criticism from landlords, who warn that it would make it more difficult to remove nuisance tenants and ultimately harm renters by making leases less flexible and reducing the amount of available seasonal and student housing.

A wave

While the future is contingent on the Legislature, Corker doesn’t believe there will be an onslaught of evictions when the moratorium ends because state lawmakers simply won’t allow one to occur.

Courts, meanwhile, have an incentive to avoid that kind of volume because they simply can’t handle it. That’s why the Eviction Resolution Program aims to forge agreements between landlords and tenants at a mediation center, not a courtroom.

“We’d be overwhelmed with the volume of cases that could potentially happen, and the idea is to do this in advance, and it also helps the landlords and tenants,” said Spokane Superior Court Clerk Tim Fitzgerald.

There are not enough attorneys available to adequately represent so many tenants. Under the Eviction Resolution Program, tenants are entitled to legal representation.

“There’s a capacity issue across the board,” Griffith said.

Spokane is one of six counties statewide piloting the Eviction Resolution Program, which launched last year.

The idea is to not only keep people in their homes, but also avoid further burdening courts that already are facing backlogs due to the pandemic. Even after the moratorium is lifted, filing a notice under the program will be a prerequisite to filing an unlawful detainer and seeking eviction.

The Spokane County Bar Association, which operates an Eviction Defense Project that represents tenants, received funding to participate in the state’s pilot program through June. That’s enough to fund one person to handle case intake and seven “very part-time” attorneys, Griffith said.

Griffith estimates her organization would need about \$359,000 to adequately scale up its operation for 11 months.

“Our capacity is minimal, but it’s something,” Griffith said.

A tenant doesn’t have to wait for their landlord to file a notice to reach out for help. They can contact the Volunteer Lawyers Program at (509) 477-2674 or apply for legal assistance online at www.spokanevlp.org.